

1 UNITED STATES DISTRICT COURT
2

3 DISTRICT OF NEVADA
4

5 Richard Logan,
6

v.
7

8 USDC,
9

Petitioner

Case No. 2:21-cv-00612-JAD-NJK
10

11 **Order Dismissing Case**
12

13 Respondent
14

15 Richard Logan, a Nevada prisoner, has submitted to the court a document with which he
16 appears to be asking the court for relief in relation to pending parole proceedings.¹ Mr. Logan's
17 avenue for relief in this court, if any, would be a petition for writ of habeas corpus under 28
18 U.S.C. § 2254. A petition for writ of habeas corpus filed by a person who is not represented by
19 an attorney must be on the form provided by this court. LSR 3-1, Local Rules of Practice, U.S.
20 District Court of Nevada.

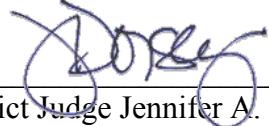
21 In addition, this matter has not been properly commenced because Mr. Logan has neither
22 paid the filing fee for a habeas proceeding (\$5.00) nor filed an application to proceed *in forma*
23 *pauperis* as required by Local Rule LSR 1-1. Also, under 28 U.S.C. § 1915(a)(2) and Local Rule
24 LSR 1-2, a petitioner must attach both an inmate account statement for the past six months and a
25 properly executed financial certificate to his application. Thus, the present action is dismissed
26 without prejudice to Mr. Logan's ability to file a new petition on the court's approved form,
27 accompanied by either the \$5.00 filing fee or a completed application to proceed *in forma*
28 *pauperis* with all required attachments.

1 ECF No. 1.

1 IT THEREFORE IS ORDERED that **this action is DISMISSED** without prejudice to the
2 filing of a **new** petition in a **new** action with a properly completed pauper application.

3 IT FURTHER IS ORDERED that a certificate of appealability is DENIED, as jurists of
4 reason would not find the court's dismissal of this improperly commenced action without
5 prejudice to be debatable or incorrect.

6 IT FURTHER IS ORDERED that **the Clerk is directed to SEND** petitioner two copies
7 each of an application form to proceed *in forma pauperis* for incarcerated persons and a
8 noncapital Section 2254 habeas petition form, one copy of the instructions for each form, and a
9 copy of the papers that he submitted in this action; **ENTER JUDGMENT** accordingly; and
10 **CLOSE THIS CASE.**

11 
12 U.S. District Judge Jennifer A. Dorsey
13 Dated: April 20, 2021